

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	CRIMINAL NO. 4:07-CR-158 MAC/CAN
	§	
JIMMY RAY CANTU (2)	§	

**REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the Government's request for revocation of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on April 11, 2017, to determine whether Defendant violated his supervised release. Defendant was represented by Frank Henderson. The Government was represented by Heather Rattan.

On October 27, 2008, Defendant was sentenced by the Honorable Michael H. Schneider, United States District Judge, to a sentence of one hundred twenty (120) months imprisonment followed by a five (5) year term of supervised release for the offense of Conspiracy to Possess with Intent to Manufacture and Distribute Methamphetamine. On July 25, 2011, pursuant to Rule 35(b), the term of imprisonment was reduced to seventy two (72) months followed by five (5) years supervised release. Defendant began his term of supervision on February 1, 2013. This case was transferred to the Honorable Marcia A. Crone on January 22, 2013.

On September 13, 2016, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender under Supervision (the "Petition") (Dkt. 233). The Petition asserts that Defendant violated the following conditions of supervision: (1) Defendant shall not leave the judicial district without permission of the Court or probation officer; and (2) Defendant shall report to the probation

officer and shall submit a truthful and complete written report within the first five days of each month.

The Petition alleges that Defendant committed the following violations: (1) On February 12, 2016, Defendant states via text message to his supervising U.S. Probation Officer that Defendant could not report until Defendant returned from Lake Whitney State Park in Whitney, Texas. Defendant advised that Whitney, Texas, is located in the Western District of Texas, and Defendant did not request permission to travel outside the judicial district; and (2) Defendant failed to submit a monthly report for the months of March, April, May, June, July, and August, 2016.

At the hearing, Defendant entered a plea of true to allegations one (1) and two (2). Defendant waived his right to allocute before the district judge and his right to object to the report and recommendation of this Court. The Court finds that Defendant has violated the terms of his supervised release.

#### **RECOMMENDATION**

Pursuant to the Sentencing Reform Act of 1984, and having considered the arguments presented at the April 17, 2017, hearing, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of one (1) month with credit for time in custody followed by ten (10) months home confinement. The Court further recommends that Defendant's supervision on home confinement be conducted by Northern District of Texas U.S. Probation Office.

**SIGNED this 20th day of April, 2017.**

A handwritten signature in black ink, appearing to read 'K. Priest Johnson', written over a horizontal line.

KIMBERLY C. PRIEST JOHNSON  
UNITED STATES MAGISTRATE JUDGE